

Application No. 10/673,913

REMARKS

Applicants and the undersigned thank Examiner Shay for a careful review of this application. Reconsideration of the present application is respectfully requested in light of the above amendments to the claims and in view of the following remarks.

Interview Summary

Applicants thank Examiner Shay for the courtesies extended during the personal, telephone interviews conducted with Bill Isaacs and Lisa Sims on March 24, 2006 and April 4, 2006. During those interviews, Applicants' representatives discussed the features that distinguish the invention recited in independent claim 34 from the documents cited and applied by the Examiner in the pending Office Action dated December 29, 2005 and the Advisory Action dated March 17, 2006. The Examiner agreed that the cited documents do not teach or suggest at least the feature of the transponder being configured to store the transmitted specific data as a new data set and to apply encryption to the new data set, thus preventing any stored specific data from being deleted, overwritten, or modified, as presently recited in independent claim 34.

Status of the Claims

After entry of the foregoing amendments, claims 34-37, and 40 are pending in the present application. Claim 34 is the only independent claim. Applicants have amended claims 34 and 37 herein. Additionally, Applicants have canceled claims 1-33, 38-39, and 41-47 herein without prejudice to or disclaimer of the subject matter recited therein. No new matter has been added.

Applicants have amended and canceled claims herein to remove issues from the pending claims, namely, that the original specification allegedly does not support features previously recited in those claims. Applicants disagree with the Examiner's objections and rejections based on those issues. Nevertheless, Applicants have removed those issues from the claims. Applicants have not acquiesced to any such rejections or objections and reserve the right to address the patentability of the relevant claim features in the future, in this or other related applications.

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Objections to the Drawings

In the Office Action dated December 29, 2005, the Examiner objected to the drawings as allegedly not showing every feature of the invention specified in the claims, namely the features of: (1) the "transponder cannot be removed from the light guide without damaging the transponder"; (2) the "alert device"; and (3) the "display device." In a first Request for Reconsideration filed on March 3, 2006, Applicants submitted an amended Figure 1 to show the "alert device" and the "display device" and stated that Figure 2 of the original specification already showed the feature that the transponder cannot be removed from the light guide without damaging the transponder. In the Advisory Action dated March 17, 2006, the Examiner did not enter Applicants' amendment to Figure 1, alleging that the amended Figure 1 contains new matter.

Applicants submit that the amended Figure 1 does not contain new matter and the original Figure 2 shows the feature that the transponder cannot be removed from the light guide without damaging the transponder. Nevertheless, Applicants have amended or canceled claims herein to remove all references to the features of: (1) the "transponder cannot be removed from the light guide without damaging the transponder"; (2) the "alert device"; and (3) the "display device." Therefore, Applicants request that the Examiner withdraw the objections to the drawings.

New Matter Objection

In the Office Action dated December 29, 2005, the Examiner objected to the amendment filed February 7, 2005 under 35 U.S.C. 132(a) for allegedly introducing new matter into the disclosure. The Examiner stated that the following claimed material is not supported by the original disclosure: "transponder cannot be removed from the light guide without damaging the transponder." The Examiner maintained this objection in the Advisory Action dated March 17, 2006.

Although Applicants submit that the original disclosure adequately supports the quoted language, Applicants have amended the claims herein to remove that language. Accordingly, Applicants request that the Examiner withdraw this objection.

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Claim Rejections under 35 U.S.C. § 112, first paragraph

In the Office Action dated December 29, 2005, the Examiner rejected claims 34 37, and 40 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner stated that the specification allegedly does not enable the claimed invention. In particular, the Examiner alleged that the originally filed disclosure does not teach that the "transponder cannot be removed from the light guide without damaging the transponder." The Examiner maintained these claim rejections in the Advisory Action dated March 17, 2006.

Although Applicants submit that the original disclosure adequately supports the quoted language, Applicants have amended the claims herein to remove that language. Accordingly, Applicants request that the Examiner withdraw these claim rejections.

Claim Rejections under 35 U.S.C. 103(a)

In the Office Action dated December 29, 2005, the Examiner rejected claims 34 37, and 40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,742,718 to Harman et al. ("*Harman*") in combination with International Application No. PCT/US98/20204 to Pacala et al. ("*Pacala*"), U.S. Patent No. 4,907,588 to Burston ("*Burston*"), and the allegedly admitted prior art of gluing and welding the transponder to the fiber. The Examiner maintained these claim rejections in the Advisory Action dated March 17, 2006.

Applicants respectfully traverse all of these claim rejections. As agreed by the Examiner in the March 24, 2006 and April 4, 2006 interviews, none of the documents cited by the Examiner, either alone or in combination, describe, teach, or suggest at least the feature of the transponder being configured to store the transmitted specific data as a new data set and to apply encryption to the new data set, thus preventing any stored specific data from being deleted, overwritten, or modified, as presently recited in independent claim 34.

As described in Applicants' original specification at page 9, line 21 to page 10, line 3 and page 15, lines 3 16, a "write-once" transponder can be used, which can prevent the specific data stored on the transponder from being deleted, overwritten, or modified, and encryption of the

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specific data can protect the specific data from tampering or forging. Since none of the documents cited by the Examiner, either alone or in combination, describe, teach, or suggest at least the recited claim feature, Applicants respectfully request withdrawal of the outstanding rejection and allowance of independent claim 34.

Applicants note that claim 34 does not recite that only the transponder cannot delete, overwrite, or modify the stored specific data.

Dependent Claims

Claims 35-37 and 40 depend directly from independent claim 34. Accordingly, for at least the reasons discussed above with respect to independent claim 34, dependent claims 35-37 and 40 are likewise submitted to be patentable over the documents of record. The dependent claims also recite additional features that further define the claimed invention over the cited documents. Applicants submit that the cited documents do not disclose, teach, or suggest integrating any of those additional features into the presently claimed invention. Accordingly, Applicants request separate and individual consideration of each dependent claim.

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CONCLUSION

Applicants submit the foregoing as a full and complete response to the Office Action dated December 29, 2005 and the Advisory Action dated March 17, 2006. Applicants submit that the application is in condition for allowance and respectfully request such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicants' undersigned attorney at 404.572.2809.

Respectfully submitted,



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